

Fitzhugh  
Signature of Sponsor

**AMEND Senate Bill No. 2257**

**House Bill No. 2271\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

By deleting the language " Tennessee Code Annotated Subsection 68-215-107(f)" in the directory language in Section 1 of the printed bill and by substituting instead the language "Tennessee Code Annotated, Section 68-215-107(f)".

AND FURTHER AMEND by deleting the language "Tennessee Code Annotated Subsection 68-215-109" in the directory language in Section 2 of the printed bill and by substituting instead the language "Tennessee Code Annotated, Section 68-215-109,".

AND FURTHER AMEND by deleting the language "Tennessee Code Annotated Subsection 68-215-109is" in the directory language in Section 3 of the printed bill and by substituting instead the language "Tennessee Code Annotated, Section 68-215-109, is".

AND FURTHER AMEND by deleting the language "Tennessee Code Annotated Subsection 68-215-110" in the directory language in Section 4 of the printed bill and by substituting instead the language "Tennessee Code Annotated, Section 68-215-110,".

AND FURTHER AMEND by deleting the language "T.C.A." in the amendatory language of Section 4 of the printed bill.

AND FURTHER AMEND by deleting Section 5 of the printed bill in its entirety and by substituting instead the following:

SECTION 5. Tennessee Code Annotated, Section 68-215-111(e), is amended by deleting subdivision (e)(1) in its entirety and by substituting instead the following:

(1)

(A) The fund shall provide for cleanup of contamination caused by leaking petroleum underground storage tanks for which the required fees related to petroleum underground storage tanks pursuant to §68-215-109 have been paid prior to the effective date of any termination of fund eligibility due to nonpayment of fees in every year since 1998, or for which the owner has followed the procedure in the rules for reestablishing fund eligibility after it has been lost.

(B) The Board is authorized to promulgate rules that establish the following:

(i) The amounts of financial responsibility that must be incurred by either the tank owner or operator or the owner of the petroleum site, before they are eligible to receive financial assistance from the fund. Notwithstanding this authority, in no event shall the board set the amount of this required financial responsibility at a level greater than \$30,000 per occurrence.

(ii) A system of incentives to provide for reduced required financial responsibility amounts in order to encourage tank owners to use technologies or management practices that go beyond the minimum requirements related to release detection and prevention for tanks and piping. In order to qualify for such incentives, such technologies or management practices must be found by the board to be proven methods of significantly enhancing prevention of releases or reducing the detection timeframe for releases. Rules promulgated pursuant to this subdivision (e)(1)(B)(ii) shall be effective by September 1, 2005.

(C) The amount of such financial responsibility that must be incurred by either the tank owner or operator or the owner of the petroleum site, before they are eligible to receive financial assistance from the fund for an occurrence reported to the Department on or after July 1, 2005, shall be \$20,000 per occurrence, provided however, that pursuant to subdivision (e)(1)(B)(i), the board may promulgate rules setting the amounts of financial responsibility at greater amounts, up to a maximum of \$30,000 per occurrence. In addition, the Board is

authorized to set the required financial responsibility at lower amounts if the board determines that the condition of the fund warrants it.

AND FURTHER AMEND by deleting the language "Tennessee Code Annotated Subsection 68-215-111" in the directory language in Section 6 of the printed bill and by substituting instead the language "Tennessee Code Annotated, Section 68-215-111,".

AND FURTHER AMEND by deleting the language "Tennessee Code Annotated Section 68-215-111" in the directory language in Section 7 of the printed bill and by substituting instead the language "Tennessee Code Annotated, Section 68-215-111,".

AND FURTHER AMEND by deleting the language "Tennessee Code Annotated Subsection 68-215-120(b)" in the directory language in Section 8 of the printed bill and by substituting instead the language "Tennessee Code Annotated, Section 68-215-120(b),".

AND FURTHER AMEND by deleting the following language from the amendatory language in Section 9 of the printed bill in its entirety:

( ) Voluntary Registration of Petroleum Site Owners. Fee.